

RESOLUTION NO. 20101216-016

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those real property interests but has been unable to agree with the owner on the damages thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: Jimmy Nassour, Janice Lee Mattox, Independent Executrix of the Estate of James Albon Mattox aka Jim Mattox, deceased and Marta Karpan Mattox

Project: Carson Creek – Hoeke – Posten Lane Roadway and Drainage Project

Public Purpose: the permanent drainage easement described in the attached Exhibit “A” is necessary to contain or modify the flow of rainwater runoff to prevent or lessen the likelihood of flooding;

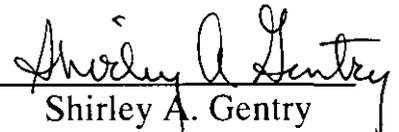
the permanent waterline easement described in the attached Exhibit "A" is necessary to construct, operate, maintain, repair, replace, and upgrade waterlines and making connections therewith, in order to increase and improve the City's ability to provide potable water to the public and to prevent leakage from water lines.

Location: 2609 Hoeke Lane.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: December 16, 2010

ATTEST:


Shirley A. Gentry
City Clerk

FIELD NOTES FOR 0.101-ACRE PARCEL

ALL OF THAT CERTAIN 0.101-ACRE (4,395 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE SANTIAGO DEL VALLE GRANT, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, OUT OF AND A PORTION OF TRACT 1, REVEILE SUBDIVISION, AS RECORDED IN BOOK 30, PAGE 19 OF THE PLAT RECORDS OF TRAVIS COUNTY; SAID TRACT BEING CONVEYED TO JIMMY NASSOUR (50% UNDIVIDED INTEREST) AND JIM MATTOX (50% UNDIVIDED INTEREST) BY GENERAL WARRANTY DEED DATED NOVEMBER 27, 2007 RECORDED IN DOCUMENT NO. 2008005762 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR POINT OF REFERENCE at a 1/2" iron rod found at the intersection of the old southeast right-of-way line of Hoeke Lane (R.O.W. varies) and the northeast line of said Reveile Subdivision, same being the southwest line of that certain called 4.5-acre tract conveyed to, Refugio Herrera, Melecio Salazar, Sr., and Ricardo Flores, Jr., Trustees for the Montopolis Cemetery as recorded in Volume 8179, Page 185 of the Deed Records of Travis County, Texas, also being the southwest line of a road known as "Ella Lane" (R.O.W. dedication and width unknown); Thence with the northeast line of said Tract 1, Reveile Subdivision, S47°16'31"E a distance of 10.00 feet to a 1/2" iron rod found having Texas State Plane Coordinate (Texas Central Zone, NAD '83, U.S. Feet, Combined Scale Factor 0.999955) grid values of N= 10,051,369.01, E= 3,131,825.30 for the most northerly corner and **POINT OF BEGINNING** of the herein described tract of land,

THENCE, continuing along the northeast line of said Tract 1, Reveile Subdivision and the southwest line of said road called "Ella Lane" S47°16'31"E a distance of **28.00** feet to a *calculated point for the east corner of this tract, from which a 1/2" iron rod found at the east corner of said Tract 1 bears S47°16'31"E a distance of 492.45 feet;*

THENCE, leaving said southwest line of "Ella Lane" and through Tract 1, Reveile Subdivision, S42°32'46"W a distance of **156.97** feet to a calculated point in the present northeast right-of-way line of Lee Hill Drive, same being a northeast line of that certain 0.219-acre tract conveyed to the City of Austin in a Street Deed recorded in Volume

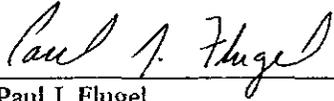
13159, Page 67 of the Real Property Records of Travis County, Texas for the south corner of this tract, from which a 1/2" iron rod found at the south corner of said Tract 1 bears S47°18'29"E a distance of 491.85 feet;

THENCE, with the present northeast right-of-way line of Lee Hill Drive and the northeast line of said 0.219-acre R.O.W. acquisition tract N47°18'29"W a distance of **28.00** feet to a 1/2" iron rod found at an inside ell corner of said 0.219-acre tract, for the west corner of this tract, from which a 1/2" iron pipe found for the original west corner of said Tract 1, Reveile Subdivision bears S42°32'46"W a distance of 15.00 feet and N47°18'29"W a distance of 10.00 feet;

THENCE, continuing with the present southeast right-of-way line of said Hoeke Lane, same being a southeasterly line of said 0.219-acre R.O.W. acquisition tract, N42°32'46"E a distance of 156.98 feet to the **POINT OF BEGINNING** and containing 0.101-acre (4,395 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, LP from a survey made on the ground in June of 2008 under my supervision.

Prepared by **Landmark Surveying, LP**



Paul J. Flugel

Registered Professional Land Surveyor No. 5096

Date Surveyed: June 12, 2008

Date of Field Notes: June 20, 2008

Date of updated field notes per title commitment: Dec. 11, 2008

Revised: January 6, 2009

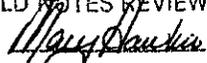


NAD83 Coordinate System (Grid), Texas Central (4203), Combined Scale Factor 0.999955. Horizontal coordinates for monument SOCC as established and published by the L.C.R.A was used as the controlling monument for this survey

T:\PBSJ\Hoecke Lane \Field Notes\final COA corrections-1-06-09\Tract 1, Reveile Sub-DE-rev-1-06-09.doc

Austin Map No. 646, Grid L17, TCAD No. 03-1420-0113

FIELD NOTES REVIEWED

By.  Date 11/9/09

Engineering Support Section
Department of Public Works
and Transportation

**SURVEY OF A PORTION OF THE REVEILLE SUBDIVISION,
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS
SHEET 3 OF 4**



SCALE 1"=50'

POINT OF BEGINNING
N 10,051,369.01
E 3,131,825.30
GRID

POINT OF REFERENCE

GABRIELA MARTINEZ
DOC NO. 2002011749
O.P.R.T.C.T.
TCAD#0314200123

GABRIELA MARTINEZ
DOC NO. 2002011750
O.P.R.T.C.T.
TCAD#0314200136

MONTEPOLIS CEMETERY
8179, PG. 185 R.P.R.T.C.T.
VOL. TCAD#0314200122

OLD RIGHT OF WAY LINE

N42°32'46"E 171.99'
(N45°10'E 171.67')

HOEKE LANE
(R.O.W. VARIES)

10' RIGHT OF WAY
ACQUISITION PER
VOL. 13159, PG. 67
D.R.T.C.T.

"ELLA LANE"
(R.O.W. DEDICATION AND WIDTH UNKNOWN)

5' P.U.E.
BK. 30, PG. 19
P.R.T.C.T.

(S44°50'00"E 520.36')
S47°16'31"E 520.45'

TRACT 1
REVEILLE SUBDIVISION
BK. 30, PG. 19
P.R.T.C.T.
TCAD# 0314200113
2609 HOEKE

PROPOSED
DRAINAGE AND
WATER LINE
EASEMENT
(0.101 AC.)
4,395 SQ. FT.

PIPELINE EASEMENT
VOL. 792 PG. 75
VOL. 935 PG. 75
VOL. 12163 PG. 479
VOL. 12284 PG. 1784
VOL. 3020 PG. 3035

S42°32'46"W 156.97'
N42°32'46"E 156.98'
(N44°30'19"E 156.67')

(S45°10'W 171.67')
S42°45'55"W 171.69'
S42°45'55"W 156.69'
(S44°30'02"W 156.67')

SIMONE E. MERICLE
DOC. # 2005042973
(0-266--ACRES)

491.85'
(N44°48'57"W 520.30')

S47°18'29"E 519.85'
S47°18'29"E 529.81'
(N44°50'W 530')

0.219-Acre Tract
15' RIGHT OF WAY
ACQUISITION PER
VOL. 13159, PG. 67
D.R.T.C.T.

LEE HILL DRIVE
(60' R.O.W.)

OLD RIGHT OF WAY LINE

KAY GOODSON SUBDIVISION
BK. 71, PG. 19 P.R.T.C.T.

SKETCH TO
ACCOMPANY
FIELD NOTES



Client: PPS&J
Date: January 6, 2009
Office: MB
Crew: S. Dunn
F.B.: 1123132-35
Dist: T:\Proj\Hoeks Item\Hoek.La.&Powel.Road\Land Draw\Ord-Start\FINAL REVISED...Hoeks in prop. exmpts-base.dwg
Copro: F:\Sdunn\06-06-08
Job No.: 572-28-03

**SURVEY OF A PORTION OF REVEILE SUBDIVISION,
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS
SHEET 4 OF 4**

LEGEND

● 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)

△ CALCULATED POINT

● IRON PIPE (SIZE NOTED)

↯ BREAK IN SCALE

() RECORD INFORMATION

CL CENTERLINE

BK. BOOK

PG. PAGE

VOL. VOLUME

P.R.T.C.T. Plat Records
Travis County, Texas

D.R.T.C.T. Deed Records
Travis County, Texas

R.P.R.T.C.T. Real Property Records
Travis County, Texas

O.P.R.T.C.T. Official Public Records
Travis County, Texas

ROW RIGHT-OF-WAY

LINE TABLE

LINE	BEARING	DISTANCE
L1	S47°16'31"E	28.00'
L2	N47°18'29"W	28.00'
L3	S42°45'55"W	15.00'
L4	N42°32'46"E	15.00'
L5	N47°18'29"W	10.00'
L6	S47°16'31"E	10.00'

SOCC - 3" LCRA ALUMINUM DISK IN
CONCRETE FOUND, ±500' SOUTH OF THE
INTERSECTION OF BEN WHITE (HWY 71)
AND MONTOPOLIS DRIVE, ON THE EAST
SIDE OF ROAD. ELEVATION 587.24. GRID
COORD N./10,050,237.604,
E./3,124,257.869. LCRA DATA SHEET.

TEXAS STATE PLANE COORDINATE SYSTEM
NAD 83
GEOID MODEL G03U06
COMBINED SCALE FACTOR 0.999955

HORIZONTAL AND COORDINATES FOR SOCC
AS PUBLISHED BY THE LCRA, WAS USED
AS THE CONTROLLING MONUMENT FOR
THIS SURVEY.

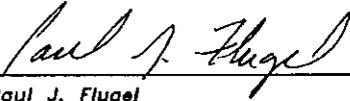
IMPROVEMENT AND UTILITIES NOTE:

IMPROVEMENTS AND UTILITIES MAY
NOT BE SHOWN ON THIS SURVEY.

RESTRICTIVE COVENANTS AND EASEMENTS NOTE:

SEE ATTACHED TITLE COMMITMENT LETTER FOR MORE
INFORMATION CONCERNING RESTRICTIVE COVENANTS AND
EASEMENTS WHICH MAY AFFECT THIS PROPERTY.

AS SURVEYED BY
LANDMARK SURVEYING, LP



Paul J. Flugel
Registered Professional Land Surveyor No. 5096
Date Surveyed: June 12, 2008
Revised: January 6, 2009

THIS SKETCH IS VALID ONLY IF IT BEARS THE ORIGINAL
SIGNATURE OF THE ABOVE SURVEYOR.



SKETCH TO
ACCOMPANY
FIELD NOTES

Landmark
SURVEYING, LP
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78748
PH (512)528-7411 FAX (512)528-7415

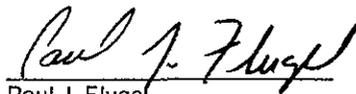
Client: PBS&J
Date: January 6, 2009
Office: MB
Crew: S. Dunn
F.B.: 1123\32-35
Disk: T:\Pbs\hoake lane\Hoak.La.&Post.Road\Land Draw\Grid-Staff\FINAL REVISED...\hoake in prop. esmts-base.dwg
Cogo: FtSDunn\06-06-08
Job No.: 372-26-03

**ALL OF THAT CERTAIN 0.101-ACRE (4,395 SQUARE FEET)
TRACT OR PARCEL OF LAND SITUATED IN THE SANTIAGO
DEL VALLE GRANT, CITY OF AUSTIN, TRAVIS COUNTY,
TEXAS, OUT OF AND A PORTION OF TRACT 1, REVEILE
SUBDIVISION, AS RECORDED IN BOOK 30, PAGE 19 OF THE
PLAT RECORDS OF TRAVIS COUNTY.**

All easements of which I have knowledge and those recorded easements furnished by Alamo Title Insurance according to Commitment No. 08-7408637, effective date: August 20, 2008, are shown or depicted on the accompanying sketch and are addressed below. Other than visible easements, no unrecorded or unwritten easements, which may exist, are shown on the accompanying sketch.

RESTRICTIVE COVENANTS & EASEMENTS ADDRESSING SCHEDULE "B" NOTES:

1. Restrictive covenants and easements as recorded in Volume 30, Page 19 of the Plat Records of Travis County, Texas, and in Document No. 2008005762 of the Official Public Records of Travis County, Texas DO AFFECT the subject tract.
- 10d. 5' public utility easement along the northeast property line(s), as recorded in Volume 30, Page 19 of the Plat Records of Travis County, Texas DOES AFFECT the Proposed Drainage and Water Line Easement.
- 10e. Blanket wastewater line easement granted to Hazel S. Goodson, as recorded in Volume 4335, Page 1354 of the Deed Records of Travis County, Texas MAY AFFECT the subject tract, but DOES NOT AFFECT the Proposed Drainage and Water Line Easement as no wastewater manholes exist within said easement. Also, there appears to be no evidence of a wastewater line crossing said easement. However, right of ingress & egress may apply
- 10f. Pipeline easement granted to Sinclair Refining Company, as recorded in Volume 792, Page 73, Deed Records of Travis County, Texas, as further modified and/or assigned by instruments recorded in Volume 9251, Page 549, Volume 9343, Page 479, Volume 12163, Page 1784, Volume 12284, Page 3020, and in Volume 12284, Page 3055 of the Real Property Records of Travis County, Texas DOES AFFECT the Proposed Drainage and Water Line Easement.



Paul J. Flugel,
Registered Professional Land Surveyor No. 5096
Landmark Surveying, LP
Date: December 12, 2008

